

Message Text

UNCLASSIFIED POSS DUPE

PAGE 01 MANILA 09076 021308Z

42

ACTION PA-02

INFO OCT-01 EA-10 ISO-00 L-03 /016 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 5062

UNCLAS MANILA 9076

E.O. 11652: N/A

TAGS: OGEN, AFOI

SUBJ: FREEDOM OF INFORMATION REQUEST

REF: (A) STATE 154165

(B) MANILA 6056

(C) STATE 99768

1. PARA 6 OF REFTEL C INDICATED IN PART THAT IT IS NOT CLEAR WHETHER FOREIGN NATIONALS NOT RESIDENT IN US CAN TAKE ADVANTAGE OF FOI, AS AMENDED. REFTEL A THEN STATES IN REPLY TO REFTEL B THAT FOI OF 1974 ALLOWS NON-RESIDENT FOREIGN NATIONALS ABROAD REPEAT ABROAD TO INITIATE FREEDOM OF INFORMATION REQUESTS AND THEN STATES COMMENT IN PARA 6 REFTEL C IS CORRECT. EMB REMAINS SOMEWHAT CONFUSED ON THIS POINT. WE CAN APPRECIATE THAT AN ALIEN WHO IS SUBJECT TO US LAW CAN UTILIZE THE FOI, AS AMENDED; HOWEVER, NORMALLY US LAW WOULD HAVE NO APPLICATION OUTSIDE THE US. THEREFORE WE HAVE DIFFICULTY IN UNDERSTANDING ASSERTION REFTEL A THAT THE ACT APPARENTLY WOULD ALLOW A PHILIPPINE NATIONAL RESIDING IN THE PHILIPPINES TO INITIATE FOI REQUESTS.

2. APPRECIATE IF DEPT WILL CONFIRM THAT THERE WAS NO MISTAKE IN TRANSMISSION OF REFTEL A WHICH INDICATES THAT A NON-RESIDENT FOREIGN NATIONAL RESIDING OUTSIDE THE US CAN, NEVERTHELESS, REQUIRE PRODUCTION OF DOCUMENTS BY INITIATING REQUESTS UNDER FOI OF 1974 IF ALL OTHER CRITERIA OF LAW ARE SATISFIED.
PURNELL

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Message Attributes

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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: n/a
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Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
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